

Government of Andhra Pradesh

Abstract

Suits – APAT – O.A.No.2623/2004 filed by Sri T.Ramesh Babu, Junior Assistant, O/o. the DC (CT) Kurnool Division – Request for absorption as Senior Asst in the O/o. CT.Deptt., on par with Sri K.Venkataratnam and other formerly Asst.Manager, A.P.Ricefed who absorbed as Sr.Asst in G.O.Ms.No.72, Rev. (CT.III) Deptt., dt.20-1-2001 in CT Deptt., - Request considered – Orders – Issued.

Revenue (CT.III.2) Department

G.O.Ms.No.736

Dated:12th June, 2008,
Read the following:

- 1.G.O.Ms.No.72, Rev. (CT.III.2) Deptt., dt.20-1-2001.
- 2.Govt.Memo No.7998/CT.III.2/2003-1, dt.13-10-2003.
- 3.Hon'ble APAT, Hyderabad, order dt.22-3-2007 in O.A.No.2623/04, filed by Sri T.Ramesh Babu, Jr.Asst, O/o. DC (CT), Kurnool, Kurnool Dist.
- 4.Sri T.Ramesh Babu , Jr.Asst., O/o. DC (CT), Reprn.dt.4-4-2007.
- 5.From the Secy. To Commissioner (CT) (I/c), AP., Hyd., Ref.No.C1/387/2004, dt.17-8-2007.
6. Sri T.Ramesh Babu, Jr.Asst., O/o. DC (CT), Kurnool, Reprn. Dt.25-10-2007, along with the letter of Sri S.C.Mohan Reddy, MLA, 186-Nandyal received through CMP No.13067/CMP/2007, dt.26-11-07.

ORDER:

Sri T. Ramesh Babu was initially appointed as Junior Machine Minder in Commercial Taxes Department during the year 1987 and promoted as Senior Machine Minder during 1992 and Deputy Foreman on 18-9-1995. His services were regularized in the cadre of Deputy Foreman w.e.f. 18-9-1995 and probation was also declared by the Commissioner of Commercial Taxes.

2. In the G.O. Ms. No. 708, Revenue(CT IV) Department, dated 15-9-1998, orders were issued for closure of the Commercial Taxes Printing Press situated at Vikarabad with effect from 1-10-1998, and also the Commissioner of Commercial Taxes was permitted to absorb the staff deputed from the Commercial Taxes Department printing press in the clear vacancies available in the CT Dept in the categories of Junior Assistant, Typist, Driver, Attenders, Sweeper and scavenger considering the academic qualification and seniority of the individual duly following the order/instructions issued in the matter vide G.O. Ms. No. 692, Revenue(CT-IV) Dept., dt. 29-10-2001. Accordingly the individual was absorbed in Commercial Taxes Department as Junior Assistant through CCT proceedings dt. 1-1-2000.

3. Against the above absorption as Jr. Asst., the individual filed an O.A. claiming that he should have been absorbed as Senior Assistant since he was working as Deputy

Foreman in the Printing Press Department, which is equal to Senior Assistant cadre. The Hon'ble APAT in its Judgment dt.23-11-2002 in OA No.10835/2002, directed the applicant to make a representation to the Govt. and the Govt. was directed to dispose of the representation of the applicant within one month, keeping in view the orders issued in precedent case in G.O. Ms. No. 72, dt. 20-1-2001. Accordingly the applicant filed representation before the Govt., on 2-12-2002. Govt. after careful examination of the representation the request of the individual was rejected for the reason that as there is no element of direct recruitment to the post of Senior Assistant vide Memo 2nd read above.

4. Aggrieved by the above orders, the individual filed another O.A.No.2623/04 before the APAT. The Hon'ble Tribunal in its order dt.22-3-2007, has set aside impugned Memo dt.13-10-2003 and further directed the respondents to consider absorption of the individual to the post of Senior Assistant on par with others.

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5. The CCT, in his letter 4th read above, has stated that the Govt.Pleader, Rev (Ser) APAT, Hyderabad, who was requested to give the opinion on Tribunal Judgment, has stated that the orders dt.13-10-2003 and 30-10-2003 are set aside by the APAT on the ground that while passing orders, the respondents have not considered relevant factors and have not recorded sufficient reasons on the representation of the applicant and also the "Government Pleader stated that the APAT has not recorded any finding with regard to the applicant's entitlement but it has directed the respondents to reconsider the case of the applicant by taking relevant factors into consideration. He has further stated that in the case of the applicant can be considered in light of G.O.Ms.No.72 and orders may be passed either rejecting or accepting the request made by the applicant, by assigning reasons for the same. Finally the Govt. Pleader opined that it is not a fit case for appeal and the orders of the APAT may be implemented. The CCT, while enclosing the relevant documents has requested the Government to take further action in the matter.

6. In his representation 4th and 6th read above Sri T.Ramesh Babu, Junior Assistant has requested the Government to consider and pass orders for absorption as Senior Assistant in the C.T. Department on par with others as per the judgment of Hon'ble Tribunal in O.A.No.2623/04, dt.22-3-2007.

7. Govt. after careful examination of the matter in detail, observe that the Asst. Managers of Rice Fed absorbed into C.T.Deptt., initially in the cadre of Junior Assistant were later absorbed as Sr.Asst. In the present case the petitioner was in C.T. Department's Printing Press and was absorbed as junior Asst. due to closure of the printing press. The post held by him at the time of closing of printing press on administrative grounds was Dy. Foreman equal to the post of Senior Assistant. Therefore, Govt. hereby consider the request of Sri J.Ramesh Babu for his absorption as Senior Assistant in C.T. Department in order to implement the orders of Hon'ble APAT, Hyderabad, dt.22-3-2007. Accordingly

Government hereby order that he shall be absorbed as Sr.Asst in the scale of Rs.4190-8700 in Commercial Taxes Department .subject to the conditions as follows:

- 1). He shall not claim the emoluments relating to Sr. Asst. post from any date earlier to that on which he actually join as Sr. Asst.
- 2).He shall not claim any seniority in that post on the basis that he should have been appointed as Sr. Asst. from any earlier date.
- 3).He shall pass relevant tests prescribed for the post of Sr. Asst. in CT Dept. with in a period of one year from the date of joining as Sr. Asst in CT Dept.

8. The Commissioner of Commercial Taxes, Hyderabad, shall take further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.SUDHIR,
PRINCIPAL SECRETARY TO GOVERNMENT

To:

The Commissioner of Commercial Taxes, Hyderabad.

Copy to:

The individual through CCT, Hyderabad.

The Pay and Accounts Officer, Hyderabad.

The District Treasury Officer, Kurnool.

The Registrar, Andhra Pradesh Administrative Tribunal, Hyderabad.

The Accountant General, Andhra Pradesh, Hyderabad, Hyderabad.

SF/SCs.

// Forwarded:: By Order //

SECTION OFFICER.